



EXECUTIVE PLANNING PROCESS

GOVERNOR'S SUMMARY

PROPOSED LEGISLATION

Montana State Library



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GOVERNOR'S SUMMARY

PROPOSED LEGISLATION

Prepared by:
Office of Budget and Program Planning
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David M. Lewis
Deputy Director for Budget

George L. Bousliman
Director

John S. Fitzpatrick
Deputy Director for Planning/Research



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SECTION I: EXECUTIVE BRANCH

PROPOSED LEGISLATION



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PROPOSED LEGISLATIVE MODIFICATION

COMMENTS

1. Reduce the critical risk of highway design errors and omissions by complete reinstatement of sovereign immunity from this particular liability.
2. Rewrite the building code law (Title 69, Chapter 21) to make it less confusing and vague and to clarify the delegation of responsibility and liability to political subdivisions.
3. State construction projects could be expedited if the Board of Examiners functions of soliciting bids, conducting bid openings and execution of construction contracts could be given to the Department of Administration. The Board of Examiners would retain the function of awarding contracts.
4. Revise state statutes (82-3317) increasing the limit, from \$10,000 to \$25,000, on construction projects that can be awarded by the Department of Administration without approval of the Board of Examiners.
5. Consider legislation to reinstate sovereign immunity for state responsibilities having to do with building codes and tramway safety.
6. Recodification of existing fringe benefit statutes to assure uniform benefit interpretation and application for the state as an employer.
7. Consider moving the Workers' Compensation judge from the Department of Administration to the Supreme Court (82A-1016).
8. Request authority from the Legislature for the Board of Housing to sell an additional \$250 million in bonds to expand low cost financing for housing.
9. Amend state statutes allowing the flexibility to establish 10-hour shifts for computer operations.



PROPOSED LEGISLATIVE MODIFICATION

COMMENTS

10. Revise the statutes requiring the state to pay for the costs of transporting prisoners so that local governments would pay for in-state transportation.
11. Proposed revisions to Section 79-901 and 79-904 R.C.M. 1947, to improve the operational aspects of state government without reducing accountability or the penalties for violating a legislative appropriation.
12. Propose legislation to exempt the Montana Operations Manual from the Montana Administrative Procedures Act.
13. Consider legislation to clarify the procedures and authority in closing out agencies.
14. Correct wage hour laws to allow payment of wages to governmental employees by warrant and exempt termination pay time requirement for those employees that are on the state central payroll system.



PROPOSED LEGISLATIVE MODIFICATION

COMMENTS

1. Revise and strengthen statutes and rules regarding state savings and loan institutions (R.C.M. 7-113, 7-113.2). The intent is to revise the chartering process, branching authority and the sale of stock.
2. A bill similar to HB 304, which was introduced to the 45th Legislature which relates to unfair trade practices, section 51-501 through section 51-524, R.C.M., 1947, the purpose will be to facilitate enforcement provisions relating to unfair trade practices.
3. A possible amendment to section 85-405 of the consumer protection act which would expressly authorize the seeking of temporary restraining orders in accordance with the other statutes of Montana Civil Procedures.
4. A bill requiring potential building contractors to show a minimum of competence and financial responsibility before holding themselves out as reputable building contractors, i.e., a license or permit.
5. Metric system housekeeping.
6. Cease and desist authority to Financial Division.
7. Record retention law.
8. Bank holidays.



PROPOSED LEGISLATIVE MODIFICATION

COMMENTS

1. Amend Chapter 583, Laws 1977 relating to the DCA weatherization program to improve program management (HB 701; Sec. 35-601 to 603, R.C.M.)
2. Establish by law a state-local revenue-sharing program with a statutory distribution formula.
3. Strengthen state laws pertaining to land use regulations in the vicinity of airport runways, Section 1-724, R.C.M.
4. Amend state law to raise the air carrier's application fee from \$150 to \$500 as a more realistic amount to bear the legal cost of holding public hearings.
5. An aviation gasoline tax increase is again proposed this biennium by the Aeronautics Board.
6. Amend Sections 82-4516 and 82-4525 to allow discretionary authority to assign outside contract audits without permission of each entity.
7. Amend Section 82-4516 to require biennial audits (when appropriate) of some smaller local governmental entities.
8. Statutory audit fees which are deposited in the general fund, currently pay for about half of the total operational costs of the program. If the rate were increased from \$15/hr. to \$20 or \$25/hr. more revenue would be generated. This higher fee schedule would be more representative of private sector rates.
9. A few administrative changes in the existing law to improve program management are suggested by OBPP.
10. DCA requests some kind of state governmental authority to enforce local subdivision laws.

PROPOSED LEGISLATIVE MODIFICATION

COMMENTS

11. Restructure city/county budget calendars to correspond with city and county fiscal years. This would avoid the problems associated with local governments operating on preliminary budget. No general fund impact.
12. Amend city and county budgets to allow DCA to prescribe budgetary procedures by administrative rule. The intent is to establish standard accounting procedures in all like entities.



PROPOSED LEGISLATIVE MODIFICATION

COMMENTS

State Board of Education

1. Amend Section 75-6010 to make law more workable in cases of teacher certificate suspensions and revocations.
2. Transfer Fire Service Training Academy out of Board jurisdiction to an appropriate state agency.

Montana Arts Council

3. Legislation to provide for acquisition of works of art for display in public places and for the establishment of a public art account.

Montana State Library

4. Removal of restrictive language in appropriation bill. Because of restrictions placed on all federal money, several special projects funded by the federal government were jeopardized in the present biennium.
5. Removal of requirement in appropriation bill that all employee pay increases be funded by federal money.

Montana Historical Society

6. Remove restrictive language in the appropriations bill concerning the Publications and Merchandising Programs.



PROPOSED LEGISLATIVE MODIFICATION	COMMENTS
1. Recodification of all hunting and fishing license laws plus many subsequent changes in existing content. (Sec. 26-201 to 234, R.C.M.) 2. Fishing License Fee Increases -- It is proposed to increase resident and nonresident fishing license fees to provide operating funds for the fisheries program. There has been no increase in fishing license fees available for the fisheries program operations since 1967. As a result, it is necessary to offset the effect of inflation. 3. Increase Motorboat Decal Fee -- The motorboat decal fee is presently \$1.00. It is proposed to raise it to \$5.00. The income will be used to pay for the administration of the decal requirement and to fund a water safety education and law enforcement program. Federal funding for this purpose will no longer be available. 4. Provide for a funding source for the Nongame Wildlife Program -- The law presently requires that nongame wildlife be managed but provides no funding for the work. 5. Amend Duplicate License Provisions -- To provide for proper administrative control. 6. Provide for an Administrative Fee for Special Permit Drawings -- To defray the costs of complex drawing procedures that are now required by law. 7. Request that all interest earned on the Fish and Game ERA be deposited therein and not to be put in the state general fund. 8. Define Whitefish as a Commercial Fish -- This will allow a commercial fishery to be developed that would utilize a resource that is presently going to waste. The resulting reduction in whitefish numbers could also improve trout fishing.	

PROPOSED LEGISLATIVE MODIFICATION

COMMENTS

9. Amend Fish Pond Liceosing Law Provisions -- To provide for a commercial fish pond license and appropriate fees.
10. Revise Commercial Fishing License Provisions -- To authorize the Commission to set license fees for the commercial harvest of various species of nongame fish and to limit the number of operators necessary to take the proper harvest.
11. Define Lynx and Wolverine as Fur-bearing Animals -- In order to provide for the management and protection of these species.
12. Provide for the Permanent Marking of Bighorn Sheep Horns, Heads, and/or Hides -- In order to give better management and protection to this species.
13. Amend Game Farm and Shooting Preserve Laws -- to clearly provide for the activities that are legal under each license.
14. Recodify Scientific Permits Section -- to clarify wording.
15. Amend Warden Retirement Law -- to assure adequate future funding.



PROPOSED LEGISLATIVE MODIFICATION

COMMENTS

1. Revise the Montana Certificate of Need law to conform with the requirements of PL 93-641. If the Legislature does not pass a law that conforms with federal regulations, Montana may lose all federal PHS funds for health purposes.
2. Revise statutes and rules on the control of communicable diseases (e.g., quarantine authority, authority to require reporting of communicable diseases, control of wild animal pets). As matters now stand, the recodification procedure has left the DHES stripped of its prior authority in these areas.
3. Revise Montana law to allow delivery of health services to minors without parental consent. The US DHEW is requiring that family planning program plans include a goal of increasing the number of high-risk users of family planning services. High-risk users are those aged 17 and under. At the same time, delivery of medical services to a minor without parental consent could result in litigation against those providing the service.
4. Amend or repeal statutes requiring that Galen State Hospital maintain facilities for treatment of tuberculosics so that provision of such services at Galen is made permissive.



PROPOSED LEGISLATIVE MODIFICATION

COMMENTS

1. Revision of the fee structure for vehicles covered by the proportional registration of interstate fleets of vehicles (RCM 53-701 through 53-724 and 84-727 through 84-731). A single fee structure in lieu of the present ad valorem tax, registration fee and G.V.W. fee is to be proposed to facilitate the proportional registration program which is a part of the International Registration Plan.
2. Revise statute on the amount of the gasoline license tax (RCM 84-1847). The tax would be assessed using a percentage of the retail price rather than a specified amount of cents per gallon. Inflation is increasing costs more rapidly than the increase in consumption of motor fuels. This method is proposed to increase revenue from motor fuel taxes.
3. Transfer of the travel and promotion (32-2406) function from this department to the Office of Commerce and Small Business Development, to facilitate more compatible combination of functions.

PROPOSED LEGISLATIVE MODIFICATION	COMMENTS
1. Propose legislation to make it possible to charge fees for room and board to adult felons residing in state-operated corrections centers. 2. Amend Montana's insurance code so that rehabilitative drug and alcohol services are considered reimbursable by third party payers. 3. Clarify the status of felons committed to WSSH for treatment -- are these felons to be considered as patients or prisoners? 4. Amend statutes controlling the Prison Furlough Program so that the program can be administered in accordance with defined criteria. 5. Enact rules or laws to enable the Board of Parole to appoint one of its members to act as Hearings Officer to help alleviate the heavy caseload. 6. Initiate new or amend present legislation pertinent to substance abuse education in the public schools. 7. Propose legislation to give the Alcohol and Drug Abuse Division authority to certify alcohol and drug counselors and to make such certification mandatory. 8. Amend existing statutes to exempt Eastmont Training Center from the provisions of SB 388. 9. Propose legislation to require inmates of the prison to pay for damage to property at the prison resulting from their actions, following an administrative due process hearing. 10. Propose legislation that would require district courts to sentence any state prison escapee consecutive to the sentence he is currently serving.	



PROPOSED LEGISLATIVE MODIFICATION

COMMENTS

11. Amend section 80-1501, R.C.M. in order to specifically allow prison staff and inmates to engage in new construction when the materials involved in the new construction do not exceed \$25,000.
12. Propose legislation to make introduction of contraband to the prison a felony rather than a misdemeanor offense.
13. Request legislation to provide that the incitement of a riot within any adult correctional institution is punishable by five additional years in prison to be served consecutively to the sentence already imposed.
14. Amend the present legislation to exempt any institution engaging in institutional industries from the present state labor standards act.
15. Amend statutes controlling the production of goods and agricultural enterprises within the Department (institutional industries) so that sale of these goods or agricultural products are not restricted to an emergency sale basis only.

PROPOSED LEGISLATIVE MODIFICATION

COMMENTS

1. Possible revisions to the benefits section of the Workers' Compensation Act. Other suggested revisions may result from recommendations of the Governor's Advisory Council.



PROPOSED LEGISLATIVE MODIFICATION

COMMENTS

1. The Board of Livestock may reintroduce the Brucellosis Depopulation Bill (failed last session) to compensate ranchers for the destruction of cattle infected with brucellosis.
2. The Board of Livestock may introduce legislature pending the findings of an interim committee study of livestock laws pursuant to HJR 91.



PROPOSED LEGISLATIVE MODIFICATION

COMMENTS

1. Legislation to limit the state's liability as it relates to National Guard Training activities.



PROPOSED LEGISLATIVE MODIFICATION

COMMENTS

1. Changes are needed in state water rights statutes to expedite the adjudication of contested claims to water rights.
2. Changes should be made in the statutes to allow the reinstatement of Renewable Resource Development program for rural areas.
3. Legislation is needed that would delegate floodplain management to local government.
4. Legislation should be introduced to provide for state inspection of privately owned dams.
5. State laws authorizing conservation districts and dealing with stream bed preservation need to be modified to be consistent with federal law (P.L. 92-500).
6. Enact legislation to provide for a true "one stop" application process for proposed projects (mines, power plants, etc.), using Washington's Environmental Coordination Procedures Act of 1973 as an example.
7. Revise fire protection statutes to increase slash disposal administrative fee and to otherwise improve the workability of these laws.
8. Amend the Major Facility Siting Act to adopt a two-state process, i.e., 1) need and identification, 2) detailed design.
9. Establish or clarify certain statutes to allow the department to construct hydroelectric facilities on state and private dams.
10. Establish authority to administer the Young Adult Conservation Corps.
11. Consider amendatory legislation to insure implementation of the State Water Plan.



PROPOSED LEGISLATIVE MODIFICATION

COMMENTS

1. Board of Abstractors - The Land Title Association is discussing legislation to incorporate title insurance under the jurisdiction of the abstractors law.
2. Board of Medical Examiners - Proposing an increase in the number of board members from 7 to 9. The board needs to have a larger split in determinations and hearings.
3. Board of Morticians - To include a continuing education requirement on all renewals. Proposing legislation regarding preneed funerals.
4. Board of Optometrists - To change the statutes to give this board responsibility of administering the law regarding optometrists who dispense drugs.
5. Board of Real Estate - Revision of the real estate act and registration of subdivisions.
6. Board of Water Well Contractors - Revision of the statutes to include authority to license all drillers.
7. Board of Psychologists - Revision of the statutes to bring them up to national standards (1981).
8. Board of Sanitariums - Revision of the statutes and inclusion of legislation for continuing education.



PROPOSED LEGISLATIVE MODIFICATION

COMMENTS

Income Tax

1. Amend income tax laws to provide for specific treatment of fiduciaries.
2. Amend income tax laws to provide for taxation of income flowing from Montana sources to non-resident transients.
3. Amend income tax laws to provide a penalty for failure to submit Internal Revenue Agent's Reports to the Department.
4. Amend Section 84-7403 to provide guidelines for determining capital expenditures which qualify for the energy conservation deduction.
5. Amend Section 84-4910.1 by defining the terms "handicap" and "disability" for purposes of the special exemption allowance.
6. Amend income tax laws to provide specific rules for determining the investment credit allowance.
7. Draft legislation establishing the priority order to be followed applying tax credits.
8. Rewrite Section 84-4912 providing for the taxation of estates and trusts.
9. Amend Section 84-4907 to permit non-resident taxpayers to claim a deduction for a prorated part of their itemized deductions or the standard deduction.
10. Amend the income tax laws to provide that notices of levy may be served by registered or by certified mail and to provide that such notices shall continue in effect until honored in the case of salaries and wages.

PROPOSED LEGISLATIVE MODIFICATION

COMMENTS

11. Amend income tax laws to specifically provide for income - splitting by husband and wife or establishing special rate tables for single persons, married persons filing separately and married persons filing jointly.
12. Clarify Section 84 concerning the statute of limitations on revision of returns.
13. Amend Section 84-4905 to provide for taxing lump-sum settlements when the taxpayer elects the ten-year averaging method for federal tax purposes.
14. Amend Section 84-4908 to provide a reasonable standard deduction.
15. Amend Section 84-4945 to make responsible corporate officers personally liable for payment of withholding taxes.
16. Provide for the taxation of gains on the sale of a residence or an involuntary conversion when replacement is made outside Montana by persons changing state of residence.
17. Amend Section 84-4956 to permit refunding of overpayments within five years from the return due date or within one year, from the date of the overpayment, whichever is later.
18. Amend Section 84-4906(c) to permit a deduction for child and dependent care expense paid to relatives within the limits now in effect for federal income tax purposes.

Property Tax

19. A bill to clarify or repeal the roll-back tax in the Green-belt law, or clarification as to the definition of agricultural land, who pays the tax, when it is levied and when it becomes delinquent.
20. A bill to establish a new reappraisal cycle for real property.

PROPOSED LEGISLATIVE MODIFICATION

COMMENTS

21. A bill to correct the homestead tax relief law so that it will clarify the method of administration.
22. A bill to clarify the accounting methods acceptable for reporting inventories for property tax assessments.
23. A bill to repeal the net proceeds law for oil and gas producers and replace it with a gross proceeds tax on oil and gas.
24. A bill to clarify the tax exempt status of veterans organizations that hold state liquor licenses.
25. A bill to reduce the number of classes of property from 19 to 6 or less.
26. A bill to require movement permits for modular homes and to require that all movement permits be obtained from the county the property is leaving.
27. A bill to establish standards including an acreage limitation on property to be classified as timber land.
28. A bill to exempt reserve rights of entry from taxation.
29. A bill to require special exempt license plates for all tax exempt vehicles including Indians and clergy.
30. A bill to clarify the procedures for applying for special tax status for air pollution equipment between the Department of Revenue and the Department of Health and Environmental Sciences.
31. A bill to allow special tax status for water pollution control equipment.
32. A bill to restrict the special tax status for new industrial developments.
33. A bill to eliminate local assessment of utility property.

- | PROPOSED LEGISLATIVE MODIFICATION | COMMENTS |
|---|----------|
| 34. A bill to exempt licensed motor vehicles from property taxation and establish a license fee in lieu of property taxes. | |
| 35. A bill to establish a voluntary property tax deferral program for the elderly. | |
| 36. A bill to allow property taxes on property destroyed by natural disasters to be prorated for the time the property was in tact. | |
| 37. A bill to establish criteria for the disclosure of tax information to private organizations. | |
| 38. A bill to change the assessment date for snowmobiles from July 1 to some date in late fall or early winter. | |
| <u>Miscellaneous Tax</u> | |
| 39. Bill to adopt uniform Cigarette Tax and Licensing Law. | |
| 40. Bill to change the administering agency for the Consumer Counsel Tax to the Public Service Commission from the Department of Revenue. | |
| 41. Bill to increase Public Contractor's License fees. | |
| 42. Bill to revise Tramway Tax to define more specifically the taxpayer, the taxable period and the taxable revenues. | |
| 43. Bill to change provisions of H.B. 18 of the 1977 Legislative Session. | |
| 44. Bill to provide additional tax assessment and refund procedures for Resource Indemnity Trust Tax. | |
| 45. Bill to provide for a penalty, interest and other assessments on taxes regarding Consumer Counsel Tax assuming the administering agency is not changed. | |
| 46. Bill to change the due date for filing the annual report for sleeping car companies. | |

PROPOSED LEGISLATIVE MODIFICATION	COMMENTS
<u>Audit & Accounting</u> 47. Amend Section 84-7105 to provide for the collection of in-state debts by commercial collection agencies. 48. Bill to repeal Section 84-725. 49. Bill to provide state sharing of taxes levied by the federal government on coin-operated gaming devices. 50. Bill to eliminate "sunset" sinking funds and transfer all monies remaining in the accounts to the state general fund or to another appropriate fund. 51. Bill to amend Section 80-2725(6) to increase to 60 days the available time to encumber funds. <u>Investigations</u> 52. Bill to remove the requirement for a conviction prior to the division denying a license or taking action against a <u>current license</u>. 53. Bill providing peace officer status to investigators when performing duties as required in Section 4-6-201. 54. Bill to change current restrictions on special permits to sell alcoholic beverages. 55. Bill to provide a means by which child support cases could be handled administratively rather than criminally. 56. Bill to provide penalty provisions in connection with present welfare fraud statutory language. <u>Motor Fuels</u> 57. Bill to amend Section 84-1832 to exempt state agencies from paying fuel tax.	

PROPOSED LEGISLATIVE MODIFICATION	COMMENTS
58. Bill to amend Section 84-1833 regarding the expiration of licenses and permits. 59. Bill to amend the Distributor's Gasoline License Tax from 2% of the first six cents to 1% of the first six cents tax. 60. Bill to amend Section 84-1855 for administrative clarification.	
<u>Corporation Tax</u>	
61. Bill to amend Section 84-1501 to provide for the taxation of unrelated business income of exempt organizations. 62. Bill to provide for authority to enforce the collection of a corporation's tax liability from the officers or owners of the corporation. 63. Bill to amend Section 84-1503(1)(a). 64. Bill to adopt the enforcement of Foreign Judgments Act.	
<u>Liquor</u>	
65. Repeal Section 4-1-303(g) which would eliminate the decals now required to put on bottles. 66. Amend liquor laws to conform with method actually used in union agreement to classify stores. 67. Amend Chapter 3 of liquor laws to provide clarifying language. 68. Bill to clarify Section 4-3-220. 69. Amend Section 4-2-101 to provide for the setting of liquor store hours by department regulation rather than by statute.	



PROPOSED LEGISLATIVE MODIFICATION	COMMENTS
70. Bill to broaden Section 4-4-105 to provide for the issuance of special permits to sell all alcoholic beverages and to broaden qualifying organizations to other than veterans and fraternal groups. 71. Bill to clarify Section 4-4-107 regarding the proximity of a licensed premise to churches and schools. 72. Bill to clarify Section 4-4-104. 73.. Bill to clarify Section 4-4-201(2) regarding whether the principal business should be the sale of food or simply that some food be sold. 74. Amend Section 4-4-201(4) to define "bona fide grocery store". 75. Amend Section 4-4-205 to delete need for hearings for beer license applications. 76. Amend Section 4-4-207 regarding the possession of more than one license. 77. Bill to eliminate the need to issue identification cards. 78. Bill to eliminate the words "now existing" in Section 4-1-103. 79. Bill to delete "tent" in Section 4-1-107(14). 80. Bill to delete "club licensees" in Section 4-3-103(2). 81. Bill to clarify Section 4-3-205. 82. Bill to clarify or delete Section 4-3-206(1)(a). 83. Bill to clarify Section 4-3-302. 84. Bill to clarify Section 4-3-303.	

PROPOSED LEGISLATIVE MODIFICATION	COMMENTS
85. Bill to amend Section 4-4-401 from "each retailer" to "each beer retailer". 86. Bill to delete language in Section 4-4-204 regarding resort licenses. 87. Bill to delete "club licensee" and "canteen licensee" in Section 4-1-201(3). <u>Inheritance Tax</u> 88. Amend Section 67-2205 to provide that stock certificates be issued in the name of the state of Montana as trustee and to eliminate the provision that a business association must be created or organized under the laws of this state. 89. Bill to eliminate provision in Section 67-2206 for businesses organized or created in this state and eliminate the two year statute and permit property to transfer to the state of Montana upon the date of the final dissolution. 90. Bill to include all unclaimed employee benefits including pension plans, vacation, severance, retirement benefits in Section 67-2209. 91. Bill to amend Section 67-2212 to change the publication from \$25.00 to \$50.00. 92. Bill to provide relief from liability to transfer agents and corporations delivering stock and other certificates to the state of Montana. 93. Bill to amend Section 67-2217 to allow the state of Montana to sell securities which are listed on an established stock exchange and to permit the Department of Revenue to sell unlisted securities using any other method deemed advisable.	



PROPOSED LEGISLATIVE MODIFICATION

COMMENTS

94. Bill to amend Section 91-4407 to prohibit the deduction of mortgages at 100% when the property to which the mortgage is attached is reported at less than 100%.

95. Bill to amend Escheated Estate Act, Section 91-501 through 91-546.

Bill to provide for the filing of fiduciary income tax returns.

Legal

96. Bill to provide for the adoption of administrative procedures for child support enforcement. (See comment under Investigations)

97. Amend Section 4-4-206(1) to provide for the listing of all partners on a liquor license.

98. Amend Section 84-7801(4) to delete the reference to net proceeds of mines.

99. Amend Section 84-7801(5) to add metal mines.

100. Amend Section 84-4502 to provide that both the county and the Department must be sued in an action to recover taxes paid under protest.



PROPOSED LEGISLATIVE MODIFICATION

COMMENTS

1. To amend the child protective services statute so as to facilitate statewide child abuse teams.
2. To expand and clarify the current adult protective services statute.
3. To develop legislation providing for a day care home registration system.
4. To change the law for services to developmentally disabled adults as it relates to confidentiality so as to facilitate communication within Individual Habilitation Team meetings.
5. To amend the group home licensing statute for developmentally disabled individuals to designate SRS as totally responsible for licensure.
6. Amend the current statute to allow for adult group homes.

PROPOSED LEGISLATIVE MODIFICATION	COMMENTS
1) Extend the statutory time period allowed for permit review under the Open Cut Act to more fully comply with the impact statement requirements of the Montana Environmental Policy Act.	

SECTION II: ELECTED OFFICIALS

PROPOSED LEGISLATION

PROPOSED LEGISLATIVE MODIFICATION

COMMENTS

1. Repeal or amend section 79-1012.1 et. seq. dealing with the Priority Budgeting System.
2. Repeal or amend Chapter 27, Title 79 Federal Assistance Management Act.
3. Amend Section 82-109(3), which authorized the Department of Administration to set up a quarterly allotment system. Authority to be transferred to OBPP.
4. Amend Section 82-109.4 to restrict personnel or salary changes which will cause an agency to exceed appropriation.

PROPOSED LEGISLATIVE MODIFICATION

COMMENTS

1. Possible revision of statutes requiring submission of reports from the County Clerk and Recorder to the State Auditor.
2. Possible revision of the statutes relating to wage assignments -- to do away with the volume of paperwork.
3. Possible revision of tax on nonadmitted business (surplus lines) in the insurance industry. Raise tax from 2% to 2-3/4% -- the national standard. Also, possible general updating of insurance laws (e.g., revision of life insurance standard nonforfeiture requirements).

PROPOSED LEGISLATIVE MODIFICATION	COMMENTS
1. Increase motor vehicle registration fees by one dollar to provide full funding for the Law Enforcement Academy and the Law Enforcement Teletype System. 2. Amend 95-1005 to limit payments to court appointed defense counsel. 3. Amend 32-2142 to clarify the definition of driving while under the influence of intoxicating liquor. 4. Establish a uniform fee system for the assessment of motor vehicles to replace the ad valorem system. 5. Amend 75-5203 to eliminate reference to the location of the Law Enforcement Academy "at a site of the university system". 6. Propose legislation to provide for civilian driver's license examiners. 7. Various statutes to be amended pertaining to lawyers employed by the State of Montana.	



PROPOSED LEGISLATIVE MODIFICATION

COMMENTS

1. Changes to and funding of the school foundation program. This will be based on recommendations from a task force which is working on this problem.
2. Transportation funding.
3. Clean-up legislation.

PROPOSED LEGISLATIVE MODIFICATION	COMMENTS
1. Change the law to allow the PSC the same ten (10) staff pay plan exemptions allowed other elected officials. 2. Remove PSC jurisdiction over docks and wharves. 3. Provide for a statutory change that cost justification must accompany the filing of an application for increased rates. 4. Provide for statutory change that Transportation Division PC and N's may be noticed as proposed hearings, and if not contested, commission action may be taken without a formal hearing. 5. Provide for the exemption of sand and gravel, and cab companies from PSC jurisdiction. 6. Provide a statutory change requiring motor carriers to meet specific fitness standards, and allowing the commission to suspend or revoke authorities for failure of a motor carrier to meet minimum activity standards, (dormancy). 7. Legislation is necessary to grant the PSC an explicit exemption from performing an environmental impact statement on its rate cases. 8. Legislation is necessary to provide for PSC appellate jurisdiction for sewer rate cases protested by more than 10% of the customers of a sewer utility. 9. Legislation is needed to exempt interstate utilities from the securities provisions of 70-117.1 R.C.M., 1947 for those utilities whose Montana utility revenues are less than 5% of the gross revenue of the utility. 10. Legislation to abolish 70-128 R.C.M., 1947, which allows an appeal of a commission order if new information is available but outside the record of a rate case.	



PROPOSED LEGISLATIVE MODIFICATION

COMMENTS

11. Legislation should be drafted which would grant the PSC the responsibility for all aspects of utility regulation, including rates and service, plant and transmission line siting, and long-term energy development. In the alternative, if full responsibilities for the total regulation of utilities are not assigned to the PSC, specific methods of policy coordination need to be developed between all of the jurisdictions with regulatory decisions.

Legislative Modifications with possible budget impact

12. Earmark fees paid for PC and N authorities to the PSC in order to pay for noticing expenses, transcript preparation and hearing room expense.
13. Provide for a fee for Sales and Transfers and Leases, and earmark these fees for the PSC to assist in paying noticing and hearing expenses for these activities.
14. Earmark fees paid for registration of motor vehicles power units to assist in the enforcement and safety activities.
15. Legislation is necessary to earmark revenues to the PSC from a filing fee assessed against a utility upon filing of a rate increase application.



SECTION III: OTHER AGENCIES

All Executive Branch agencies under the direct supervision of the Governor were required to participate in the Executive Planning Process. The University System, Elected Officials, Legislative and Judicial Branches of Montana State Government were invited and encouraged to participate in the process.

The University System submitted completed planning documents for each unit within the system. They will be handling their Legislative Proposals separately. A separate report to the Governor is anticipated.

Legislative Branch agencies, with the exception of the Consumer Council, chose not to participate in the Executive Planning Process.

The Judiciary did not participate in the Executive Planning Process. However, OBPP will be working closely with the Supreme Court throughout the remainder of the budget cycle.

The Office of the Secretary of State elected not to participate in the Executive Planning Process. OBPP will be working closely with the Secretary of State throughout the remainder of the budget process.

The following Executive Branch agencies did not identify any proposed legislation: Department of Agriculture, Montana School for the Deaf and Blind.



